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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

SIERRA CLUB, NATURAL RESOURCES  
 DEFENSE COUNCIL, ALLIANCE FOR  
 HEALTHY HOMES,

Plaintiffs,

v.

STEPHEN L. JOHNSON,  
 Defendant.

Case. No.: C 08-00956 JL

**MOTION FOR ADMINISTRATIVE  
 RELIEF AND [PROPOSED] ORDER TO  
 RESCHEDULE CASE MANAGEMENT  
 CONFERENCE**

Judge: Chief Magistrate Judge James Larson

Pursuant to Civil Local Rule 7-1(a)(4), Plaintiffs Sierra Club, Natural Resources Defense Council, and Alliance for Healthy Homes (collectively "Plaintiffs") respectfully request that the Court reschedule the initial case management conference set for May 21, 2008 in the above-captioned case. Counsel for Defendant Stephen L. Johnson has informed counsel for Plaintiffs that Defendant does not oppose Plaintiffs' request. In support of this motion, Plaintiffs state as follows:

On February 15, 2008, Plaintiffs filed a complaint for declaratory and injunctive relief against Defendant, Stephen L. Johnson as Administrator of EPA. Prior to filing the lawsuit, Plaintiffs had been conferring with EPA to resolve the issues raised in the complaint. However, Plaintiffs filed the complaint to prevent the statute of limitations from running under the Toxic Substances Control Act. Since then, Plaintiffs and EPA continue to be diligently engaged in

negotiations to resolve the dispute without serving the complaint. In addition, Plaintiffs have conferred twice with representatives of seven companies from whom EPA has requested voluntary submission of information for the purpose of furthering settlement discussions. Plaintiffs continue to confer with EPA and the Manufacturers regarding settlement. See Declaration of Mae C Wu in support of Motion to Reschedule Case Management Conference.

To encourage continued settlement discussions with EPA, Plaintiffs have not yet served EPA with the complaint but anticipate serving the complaint before the deadline on June 16, 2008.

Accordingly, Plaintiffs respectfully request that the Court reschedule the Case Management Conference for 10:30 a.m. on September 24, 2008.

Pursuant to Civil Local Rule 7-1(b), Plaintiffs respectfully request that the Court determine this Motion without oral argument and on shortened time.

Dated: April 30, 2008

Respectfully submitted,

/s/ Mae C Wu

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Attorney for Plaintiff Natural Resources Defense Council

/s/ Thomas Neltner

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Attorney for Plaintiffs Sierra Club and Alliance for Healthy Homes

**[PROPOSED] ORDER**

The foregoing Motion to Reschedule the Case Management Conference is hereby granted and entered as an ORDER of the Court. The Case Management Conference will be set for September 24, 2008. It is so ORDERED.

Date:

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HONORABLE JAMES LARSON  
CHIEF MAGISTRATE JUDGE

ATTORNEY ATTESTATION OF CONCURRENCE

I hereby attest that I have obtained concurrences in this filing for the signatures indicated by a “conformed” signature (/s/) within this e-filed document.

/s/ Mae C Wu

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Mae C Wu

**Proof of Service**

I, Monique Waples, hereby certify that I caused a true and correct copy of this **Motion For Administrative Relief And [Proposed] Order To Reschedule Case Management Conference** to be served via first-class mail on this date, April 30, 2008, to the following counsel:

David Berol  
Brian Grant  
Office of General Counsel  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Leslie Hill  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

/s/ Monique Waples

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Monique Waples